

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JILL E. FLATT,)	
)	
Plaintiff,)	
)	1:04CV1067
v.)	
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

On October 26, 2005, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and served on the parties in this action and a copy was given to the court. Counsel for Plaintiff has objected to the Recommendation.

The court has made a de novo determination that is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

It is therefore ORDERED that the Plaintiff's Motion for Summary Judgment [Doc. # 7] is DENIED, the Commissioner's motion for judgment on the pleadings [Doc. # 9] is GRANTED, the Commissioner's decision is

AFFIRMED, and that this action is DISMISSED with prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 4th day of October, 2007.

/s/ N. Carlton Tilley, Jr.
United States District Judge